

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RANAE NAITOKO,)
Petitioner,) CASE NO. C12-1411-JLR-MAT
v.)
JEFFREY UTTECHT,) ORDER DENYING MOTION FOR
Respondent.) APPOINTMENT OF COUNSEL

Petitioner proceeds *pro se* and *in forma pauperis* in this 28 U.S.C. § 2254 habeas proceeding. Petitioner filed a motion for appointment of counsel. (Dkt. 9.) Now, having considered the motion, the Court does hereby find and ORDER as follows:

(1) There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required. *See Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts. The Court may exercise its discretion to appoint counsel for a financially eligible individual where the “interests of justice so require.” 18 U.S.C. § 3006A. Here, petitioner fails to demonstrate that

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01 the interests of justice are best served by appointment of counsel at the present time.

02 Accordingly, petitioner's motion for appointment of counsel (Dkt. 9) is DENIED.

03 (2) The Clerk shall send a copy of this Order to the parties and to the Honorable
04 James L. Robart.

05 DATED this 18th day of October, 2012.

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08 Mary Alice Theiler
09 United States Magistrate Judge

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